REMARKS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Rejection of Claims 1, 3-9 and 11-26 Under 35 U.S.C. §103(a)

The Office Action rejects claims 1, 3-9, 11-26 under 35 U.S.C. §103(a) as being unpatentable over Kephart et al. (U.S. Patent No. 6,026,445) ("Kephart et al.") in view of Lin et al. (U.S. Patent No. 5,592,154) ("Lin et al."). Applicant respectfully traverses this rejection and submits that, by a preponderance of the evidence, one of skill in the art would not have sufficient motivation or suggestion to combine Kephart et al. with Lin et al. The basic legal principles of when it is appropriate to combine one reference with another are cited in the previous Office Action. Accordingly, Applicant incorporates the citations herein regarding the standard of proof and the legal analysis under which two references should appropriately be combined.

The Office Action asserts that it would be obvious to one of skill in the art to combine Kephart et al. with Lin et al. to provide "a method and apparatus for prioritizing communication in a two-way communication system" citing Lin et al. column 1, lines 6-10. Applicant respectfully submits that, by a preponderance of the evidence, one of skill in the art would not have sufficient motivation or suggestion to combine Kephart et al. with Lin et al. for the basic reason that these two prior references are non-analogous to each other and furthermore, Applicant submits that Kephart et al. is non-analogous to the invention recited in the claims.

We will first address Kephart et al. This reference teaches a system, method and computer readable medium for saving and reusing recently required internet addresses. As is taught in the Abstract, when a client computer receives an internet address from a particular computer name, the computer name and the corresponding internet address are saved in the client memory area. Before sending a request to a name server, the client memory is checked to

determine if the desired computer name and corresponding internet address are stored in the client memory. If so, the stored internet address is used to access the desired machine. If the stored computer name and corresponding internet address are not stored in the client memory, a requested computer name is sent to the name server for conversion. The name server passes the internet address back to the client where it is used to access the machine and is also stored in the client memory for future use. The client memory area may be configured such that each user has his or her own memory area where only that user's name and address pairs are stored. In such a case, the name and address pairs are stored in individual user memory areas rather than in a client memory area. It would be clear to one of skill in the art that through the viewing of the figures, the Abstract, as well as, the basic functionality described in Kephart et al. that their invention is internet-based and relates entirely to interaction using the Internet Protocol (IP).

In columns 1 and 2, Kephart et al. clearly set forth the necessary aspects of the invention which is the use of mapping information returned from a name server to reduce the interaction with the name server by storing name/IP address pairs in client memory. One of skill in the art understands the basic TCPIP protocols and transport and network layer protocols are required for such a network, as well as the other aspects of accessing and receiving web pages using HTTP and HTML page and the use of URLs to access web pages.

The reason one of skill in the art would not be motivated to combine these references is that it is clear that Lin et al. focus on a radio communication system. As such, one of skill in the art would certainly understand that there are dramatic differences in the protocols used for two-way radio communication between subscriber units and base stations as is shown in Figure 1 of Lin et al. Further details of this reference show a controller 112 communicating with a public switched telephone network 110. The teachings in columns 9 and 10 cited by the Examiner relate to the flowchart of Figure 9 in which a call communication system receives messages that

3

are intended for a subset of possible portable subscriber units 122 and stores the messages in an output queue. The processor transmits a signal which requests location information for the subscriber units 122 having messages in the output queue. This is the "where are you?" signal. Then in step 906, the processor receives and stores in the RAM 210 acknowledgement responses comprising the address A24, the location information (region identifier 224) and the mobility index values A26 corresponding to responding ones of the portable subscriber units 122. Certainly, this information related to the location information of a portable unit is non-analogous to the use of internet addresses on the Internet wherein the location of a system is irrelevant.

Furthermore, clearly the various protocols that may be used for a wireless mobile device to communicate with the base station differ substantially as would be known by those of skill in the art from the use of a DNS name server in the internet protocol. Thus, Applicant respectfully submits that the fundamental communication differences between the portable units and Lin et al. and a computer needing an IP address and communicating with a DNS name server in Kephart et al. are sufficiently different, that one of skill in the art would certainly not, by a preponderance of the evidence, be *motivated* to combine these references. Simply put, while the Examiner has asserted that one of skill in the art would combine these in order to provide a method of prioritizing communication in a two-way communication system, such a need is not easily identified from Kephart et al. in which they are mainly focused on easily obtaining the internet address for an input URL. A person of skill in the art would be focusing on a more efficient method of quickly getting a web surfer to a website before any data is downloaded from that website. Any communication via the Internet which may be broadly interpreted as "two-way" communication occurs after the completion of the invention of Kephart et al. Prioritizing of any such communication has not bearing on the disclosure of Kephart et al.

Applicant also submits that Kephart et al. with its IP protocol focus is non-analogous to the claims. For example, claim 1 covers, in an initiator device having a wireless transceiver, a method for discovering a name of a responding device. Because Kephart et al. focus on communicating the IP address of a computer server, Applicant submits that it is non-analogous art to a method that is practiced on a wireless transceiver or to a wireless communications device.

Applicant respectfully submits that based on the fact that (1) Lin et al. and Kephart et al. are non-analogous to each other; (2) Kephart et al. is non-analogous to the claims; (3) prioritizing communication provides no benefit to the teachings of Kephart et al.; and (4) the communication protocols are entirely different between the two references, there is easily sufficient evidence to weigh in the balance against the combination of Lin et al. with Kephart et al.

Accordingly, Applicant respectfully submits that claims 1, 3-9 and 11-26 are patentable and in condition for allowance.

CONCLUSION

Having addressed all rejections and objections, Applicant respectfully submits that the

subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

If necessary, the Commissioner for Patents is authorized to charge or credit the **Deposit Account**

No. 50-3102 for any deficiency or overpayment.

Respectfully submitted,

Date: April 19, 2007   By: /Thomas M. Isaacson/

Correspondence Address: Thomas M. Isaacson
Customer No. 49637   Attorney for Applicant
                                         Reg. No. 44,166
                                         Phone: 410-286-9405
                                         Fax No.: 410-510-1433